

Figure SC810.F39. Sample Letter to OWCP Regarding Claimant No Longer Employed

USE INSTALLATION LETTERHEAD

FROM: AAAA-BB

Date

SUBJECT: Controversion of FECA Claim - Orville G. Flye, DOI-Unknown

TO: Office of Worders' Compensation Programs
Street Address
City, State Zip Code

Dear Claims Examiner:

Reference is made to the attached Form CA-2 submitted by Mr. Orville G. Flye, in which he is claiming compensation for his asbestosis condition. He alleges that his condition resulted from exposure to asbestos while he was employed as a Steamfitter at Brookley Field in 1946 and 1947.

As you are aware, Brookley Air Force Base was closed in the late 1960s. Because of this we have no personal knowledge what his duties, working conditions or who his supervisors were at that time. We have not completed the reverse side of Form CA-2.

We have, however, obtained his official personnel folder and medical records from the National Records Center. Based on our review of the documents contained therein, the following information concerns his Federal employment:

a. He was initially employed at Brookley Field from 8 April 1942 through 15 July 1944 when he was placed on military furlough. During this period, he worked as a General Mechanic Helper, Junior Machinist, and Machinist with no exposure indicated.

b. On 9 July 1946, he was reemployed following his military service and was terminated (displacement) on 15 May 1947. During this period, he did work as a Steamfitter, Grade 14, Step 4. His starting and ending salaries were \$1.28 per hour and \$1.40 per hour, respectively. According to an SF 57, "Application for Federal Employment," submitted and signed by Mr. Flye, his duties consisted of "repairs on

steam traps, valves, hot water lines, steam and return lines, rework steam regulator valves, traps, condensation pumps, reinsulated boilers, and steam lines." His supervisor at that time was Capt Bill Smith.

c. On 18 September 1947, he was again reemployed at Brookley where he worked until he retired. On his application for disability retirement, he described his disabilities as arthritis all over his body, heart disease, and hypertension. Although his last day of work was 29 May 1967, his disability retirement was not effective until 17 August 1967. On his last day of work, he was an Electrical Components Quality Control Inspector, W(WB)2870, Grade 11, Step 3, \$3.21 per hour. It is noted that while he was apparently in a sick leave status he was promoted with a change in appointing authority to Kelly Air Force Base, Texas. No exposure is indicated during this 20-year time frame. From his documented work history, it appears that during periods of non-Federal employment (both prior to and after the 1946-1947 period), he may have incurred considerable asbestos exposure when he worked around shipyards, shingles and insulation materials. For example, asbestos exposure while working at shipyards would normally be expected to be much greater than that of an Air Force installation where exposure would probably be only 10 to 15 minutes a day. Possible periods of considerable non-Federal exposure are:

(1) From 1938 - 1939, when he was employed by the South Mississippi Steamship Co., Jacksonville, Florida, as a Laborer painting and cleaning ships.

(2) From October 1939 to August 1940, when employed at the Atlas Roofing Co., Birmingham, Alabama, as a Shingle Stacker stacking shingles on pallets to be placed in dryer kims.

(3) From September 1940 to April 1942 and from June 1947 to September 1947, when employed at the Georgia Dry Dock and Ship Co. as a Pipefitter, where he did new and repair work on all kinds of steam ships. (The latter period immediately followed the alleged Air Force exposure.)

(4) From 1956 to 1958, when he worked part-time (10 hours a week) as a commercial electrician wiring houses, installing electric hot water heaters, water pumps, and electrical components. (This is also after the 1946-1947 period and it appears that this type of work could easily result in asbestos exposure from insulation materials.)

The evidence presented in the medical record does not document any parenchymal

pulmonary fibrosis as a result of asbestos exposure. There is no evidence of any pulmonary or general medical disability as a result of his past asbestos exposure. Calcified pleural plaques as a result of asbestos exposure are considered "benign." They cause no pulmonary disability and are not a precursor to future pulmonary disease. Since pleural calcifications can be caused by conditions other than asbestosis and Dr. Jones' report (1) does not provide reasoned medical opinion to support causal relationship, or (2) a diagnosis of asbestosis (as claimed by Mr. Flye), we request that Mr. Flye's X-rays be sent to us for review and interpretation by one of our radiologists with expertise in asbestos-related pulmonary disease.

The X-rays can be sent to the undersigned or to John Williams, M.D., Chief of Occupational Medicine Services, HQ AFMCISGPO, Wright-Patterson AFB, Ohio, 45433-5001.

Prior to adjudicating Mr. Flye's claim, it is recommended that he be required to complete Forms CA 935 and 936 so that Social Security records can be obtained to ascertain any other periods and places of employment following the alleged Federal exposure. Furthermore, should the claim be approved, we believe he should be entitled to medical benefits only as the claimed condition will not add to his already totally disabled status. Copies of pertinent documentation contained in his OPF are enclosed in the indexed evidence packet. It is interesting to note that if there were other records in the OPF which would have been helpful, they were sent to Mr. Flye on 13 November 1993. The chargeback code for this claim would be 3721 UL (MOAMA Old).

We would appreciate your keeping us advised of the status and the final decision. If further assistance is needed, please contact me at 614-522-0001 or Dr. Williams at (614) 522-0002.

Sincerely,

MELVIN A. BROWN
Injury Compensation Program
Administrator

2 Encl

1. Form CA-2
2. Evidence File